

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHAD S. JOHNSON,
Plaintiff,

v.

SERGEANT S. PETRIE, CORRECTION
OFFICER D. ALLEN, and CORRECTION
OFFICER MASON HAMILTON,
Defendants.
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DOC #:
DATE FILED: 7/24/2023

ORDER

21 CV 986 (VB)

Copies Mailed Faxed LC 7/24/23
Chambers of Vincent L. Briccetti

On April 24, 2023, defendants filed a motion for summary judgment (Doc. #67), a Local Rule 56.2 Notice to Pro Se Litigant Who Opposes a Motion for Summary Judgment (Doc. #68), and a certificate of service indicating defense counsel served plaintiff, proceeding pro se and in forma pauperis, with the motion and supporting papers by first class mail at the address on the docket. (Doc. #75). The Notice warned plaintiff that his claims could be dismissed without a trial if he did not timely respond to the motion.

By Order dated March 30, 2023, the Court directed plaintiff to file his response to the motion by June 7, 2023. (Doc. #66).

By Order dated June 15, 2023, the Court stated plaintiff had not responded to the motion and sua sponte extended, to July 14, 2023, plaintiff's deadline to respond to the motion. (Doc. #76). The Court also warned plaintiff that if he did not respond to the motion by July 14, 2023, the Court would deem the motion fully submitted and unopposed.

To date, plaintiff has not filed a response to the motion.

Accordingly, it is hereby ORDERED:

1. Plaintiff's deadline to file a response to defendants' motion for summary judgment is sua sponte extended to **August 21, 2023**. Plaintiff is reminded that he is expected to comply

with the guidelines contained in the motions guide previously sent to plaintiff with the Order dated January 18, 2023.

2. By **September 5, 2023**, defendants shall file their reply, if any.
3. **The Court will not grant any further extensions of plaintiff's deadline to oppose the motion for summary judgment. Should plaintiff fail to oppose the motion for summary judgment by August 21, 2023, the Court will deem the motion fully submitted and decide it in due course.**

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address listed on the docket.

Dated: July 24, 2023
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge